

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NANCY CLARAVIOLA GILLESPIE-
GALINDO,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 17-71164

Agency No.
A070-930-031

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Nancy Claraviola Gillespie-Galindo, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

reopen and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Gillespie-Galindo's third motion to reopen as number-barred and untimely where she did not show that any statutory or regulatory exception applies, including changed country conditions in Guatemala. *See* 8 U.S.C. § 1229a(c)(7)(A) (only one motion to reopen allowed), (c)(7)(C)(i) (motion to reopen must be filed within ninety days of the final removal order); 8 C.F.R. § 1003.2(c)(3) (exceptions); *see also* 8 U.S.C. 1229a(c)(7)(C)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (movant must produce material evidence that conditions in country of nationality had changed).

As to sua sponte reopening, we have jurisdiction to review this discretionary determination only for legal or constitutional error. *See Lona v. Barr*, 958 F.3d 1225, 1227 (9th Cir. 2020). We find no legal or constitutional error underlying the BIA's decision.

The BIA did not err in declining to administratively close proceedings where Gillespie-Galindo's request for administrative closure was filed after a final removal order had been entered, thus, there were no ongoing proceedings to administratively close. *See* 8 U.S.C. § 1101(a)(47)(B) (a deportation order becomes final upon the BIA's affirmance of the order or upon the expiration of the

period in which the alien is permitted to seek review by the BIA).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.